

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 771**

**Introduced by Senator Simitian**

February 22, 2005

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An act to amend Sections 39630, 39631, and 39632 of, and to amend the heading of Chapter 3.3 (commencing with Section 39630) of Part 2 of Division 26 of, the Health and Safety Code, and to amend Sections 72400, 72410, 72420, 72421, 72441, 72500, 72505, 72520, 72521, 72540, and 72542 of, to amend the heading of Division 38 (commencing with Section 72400) and the heading of Division 39 (commencing with Section 72500) of, and to add Sections 72425.5, 72425.6, and 72425.7 to, the Public Resources Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

SB 771, as amended, Simitian. Oceangoing ships.

(1) Existing law prohibits a cruise ship, as defined, from conducting onboard incineration while operating within 3 miles of the California coast.

This bill would also prohibit an oceangoing ship, as defined, from conducting onboard incineration while operating within 3 miles of the California coast.

(2) Existing law regulates the release of graywater, sewage sludge, oily bilgewater, hazardous waste, or other waste by large passenger vessels into the marine waters of the state and marine sanctuaries. Existing law also regulates, until January 1, 2010, the release of sewage by large passenger vessels into the marine waters of the state.

This bill would also regulate the release of graywater, sewage, sewage sludge, oily bilgewater, hazardous waste, or other waste by oceangoing ships, as defined, into the marine waters of the state and marine sanctuaries.

*The bill would require the master, owner, operator, agent, or person in charge of an oceangoing ship who has operated, or has caused to be operated, the oceangoing ship in the marine waters of the state during 2006, to provide certain information relating to ports of call and sewage, graywater, and blackwater discharge, in electronic or written form to the State Lands Commission upon the vessel's departure from its first port or place of call in California beginning in 2006. The bill would require the commission to submit the reported information to the State Water Resources Control Board on or before February 1, 2007. The bill would require the board to submit the reported information to the Legislature on or before April 1, 2007.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The heading of Chapter 3.3 (commencing with  
2 Section 39630) of Part 2 of Division 26 of the Health and Safety  
3 Code is amended to read:

4  
5 CHAPTER 3.3. CRUISE SHIPS AND OCEANGOING SHIPS  
6

7 SEC. 2. Section 39630 of the Health and Safety Code is  
8 amended to read:

9 39630. The Legislature finds and declares that it is in the  
10 interests of all Californians to protect the air quality from  
11 increasing volumes of cruise ship engine and oceangoing ship  
12 engine emissions.

13 SEC. 3. Section 39631 of the Health and Safety Code is  
14 amended to read:

15 39631. (a) The state board shall enforce this chapter, and  
16 may adopt standards, rules, and regulations for that purpose  
17 pursuant to Section 39601.

18 (b) As used in this division, "cruise ship" means a commercial  
19 vessel that has the capacity to carry 250 or more passengers for  
20 hire. "Cruise ship" does not include the following:

(1) Vessels without berths or overnight accommodations for passengers.

(2) Noncommercial vessels, warships, vessels operated by nonprofit entities as determined by the Internal Revenue Service, and vessels operated by the state, United States, or a federal government.

(3) Oceangoing ships, as defined in subdivision (c).

(c) As used in this division, “oceangoing ship” means a private, commercial, government, or military vessel calling on California ports and meeting any one of the following criteria:

(1) A foreign trade vessel with an endorsement on its United States Coast Guard certificate of documentation or registration under the flag of another country.

(2) A vessel greater than or equal to 400 feet in length overall (LOA), as defined in Section 679.2 of Title 50 of the Code of Federal Regulations.

(3) A vessel of 10,000 gross tonnage or greater per the Convention Measurement System, as defined in Section 69.9 of Title 46 of the Code of Federal Regulations.

(4) A vessel propelled by a marine diesel engine with a per cylinder displacement of 30 liters or more. *private, commercial, government, or military vessel of 300 gross registered tons or more calling on California ports or places.*

SEC. 4. Section 39632 of the Health and Safety Code is amended to read:

39632. Commencing on January 1, 2005, a cruise ship, and commencing on January 1, 2006, an oceangoing ship, shall not conduct onboard incineration while operating within three miles of the California coast, to the extent allowed by federal law.

SEC. 5. The heading of Division 38 (commencing with Section 72400) of the Public Resources Code is amended to read:

#### DIVISION 38. LARGE PASSENGER VESSELS AND OCEANGOING SHIPS

SEC. 6. Section 72400 of the Public Resources Code, as amended by Section 1 of Chapter 764 of the Statutes of 2004, is amended to read:

72400. (a) The Legislature finds and declares that the protection and enhancement of the quality of the marine waters

1 of the state and marine sanctuaries requires that the release from  
2 large passenger vessels and oceangoing ships of sewage sludge  
3 and oily bilgewater, into the marine waters of the state and  
4 marine sanctuaries, should be prohibited.

5 (b) The Legislature finds and declares that the protection and  
6 enhancement of the quality of the marine waters of the state  
7 requires that the release of sewage from large passenger vessels ,  
8 and the release of sewage and graywater from oceangoing ships  
9 with sufficient holding tank capacity, into the marine waters of  
10 the state should be prohibited.

11 (c) The Legislature intends to request the Congress of the  
12 United States to amend the Federal Water Pollution Control Act  
13 (33 U.S.C. Sec. 1251 and following) to provide California with  
14 authority similar to that granted to the State of Alaska by Public  
15 Law 106-554, to regulate the release of sewage from large  
16 passenger vessels and oceangoing ships in the marine waters of  
17 the state.

18 (d) This section shall remain in effect only until January 1,  
19 2010, and as of that date is repealed, unless a later enacted  
20 statute, that is enacted before January 1, 2010, deletes or extends  
21 that date.

22 SEC. 7. Section 72400 of the Public Resources Code, as  
23 added by Section 1.5 of Chapter 764 of the Statutes of 2004, is  
24 amended to read:

25 72400. (a) The Legislature finds and declares that the  
26 protection and enhancement of the quality of the marine waters  
27 of the state and marine sanctuaries requires that the release from  
28 large passenger vessels and oceangoing ships of sewage sludge  
29 and oily bilgewater into the marine waters of the state and marine  
30 sanctuaries should be prohibited.

31 (b) This section shall become operative on January 1, 2010.

32 SEC. 8. Section 72410 of the Public Resources Code is  
33 amended to read:

34 72410. (a) Unless the context otherwise requires, the  
35 definitions set forth in this section govern this division.

36 (b) "Board" means the State Water Resources Control Board.

37 (c) "Large passenger vessel" or "vessel" means a vessel of 300  
38 gross registered tons or greater that is engaged in the carrying of  
39 passengers for hire, excluding all of the following vessels:

1 (1) Vessels without berths or overnight accommodations for  
2 passengers.

3 (2) Noncommercial vessels, warships, vessels operated by  
4 nonprofit entities as determined by the Internal Revenue Service,  
5 and vessels operated by the state, the United States, or a foreign  
6 government.

7 (3) *Oceangoing ships, as defined in subdivision (f).*

8 (d) “Marine waters of the state” means “coastal waters” as  
9 defined in Section 13181 of the Water Code.

10 (e) “Marine sanctuary” means marine waters of the state in the  
11 Channel Islands National Marine Sanctuary, Cordell Bank  
12 National Marine Sanctuary, Gulf of the Farallones National  
13 Marine Sanctuary, or Monterey Bay National Marine Sanctuary.

14 (f) “Oceangoing ship” means a private, commercial,  
15 ~~government, or military vessel calling on California ports and~~  
16 ~~meeting any one of the following criteria:~~

17 ~~(1) A foreign trade vessel with an endorsement on its United~~  
18 ~~States Coast Guard certificate of documentation or registration~~  
19 ~~under the flag of another country.~~

20 ~~(2) A vessel greater than or equal to 400 feet in length overall~~  
21 ~~(LOA), as defined in Section 679.2 of Title 50 of the Code of~~  
22 ~~Federal Regulations.~~

23 ~~(3) A vessel of 10,000 gross tonnage or greater per the~~  
24 ~~Convention Measurement System, as defined in Section 69.9 of~~  
25 ~~Title 46 of the Code of Federal Regulations.~~

26 ~~(4) A vessel propelled by a marine diesel engine with a~~  
27 ~~percylinder displacement of 30 liters or more. government, or~~  
28 ~~military vessel of 300 gross registered tons or more calling on~~  
29 ~~California ports or places.~~

30 (g) “Oil” has the meaning set forth in Section 8750.

31 (h) “Oily bilgewater” includes bilgewater that contains used  
32 lubrication oils, oil sludge and slops, fuel and oil sludge, used oil,  
33 used fuel and fuel filters, and oily waste.

34 (i) “Operator” has the meaning set forth in Section 651 of the  
35 Harbors and Navigation Code.

36 (j) “Owner” has the meaning set forth in Section 651 of the  
37 Harbors and Navigation Code.

38 (k) “Release” means discharging or disposing of wastes into  
39 the environment.

(l) “Sewage” has the meaning set forth in Section 775.5 of the Harbors and Navigation Code, including material that has been collected or treated through a marine sanitation device as that term is used in Section 312 of the Clean Water Act (33 U.S.C. Sec. 1322) or material that is a byproduct of sewage treatment.

(m) “Sewage sludge” has the meaning set forth in Section 122.2 of Title 40 of the Code of Federal Regulations.

(n) “Sufficient holding tank capacity” means a holding tank of sufficient capacity to contain sewage and graywater while the oceangoing ship is within the marine waters of the state.

SEC. 9. Section 72420 of the Public Resources Code is amended to read:

72420. (a) If the appropriate federal agencies approve an application made pursuant to subdivision (a) of Section 72440, or if the board determines that an application is not required, an owner or operator of a large passenger vessel or oceangoing ship may not release, or permit anyone to release, any sewage sludge from the vessel into the marine waters of the state or a marine sanctuary.

(b) An owner or operator of a large passenger vessel or oceangoing ship may not release, or permit anyone to release, any oily bilgewater from the vessel into the marine waters of the state or a marine sanctuary.

SEC. 10. Section 72421 of the Public Resources Code, as amended by Section 3 of Chapter 764 of the Statutes of 2004, is amended to read:

72421. (a) If a large passenger vessel releases sewage sludge, sewage, or oily bilgewater, or an oceangoing ship releases sewage sludge or oily bilgewater, or an oceangoing ship with sufficient holding tank capacity releases sewage or graywater, into the marine waters of the state or a marine sanctuary, the owner or operator shall immediately, but no later than 24 hours after the release, notify the board of the release. The owner or operator shall include all of the following information in the notification:

- (1) Date of the release.
- (2) Time of the release.
- (3) Location of the release.
- (4) Volume of the release.
- (5) Source of the release.

1 (6) Remedial actions taken to prevent future releases.

2 (b) This section shall remain in effect only until January 1,  
3 2010, and as of that date is repealed, unless a later enacted  
4 statute, that is enacted before January 1, 2010, deletes or extends  
5 that date.

6 SEC. 11. Section 72421 of the Public Resources Code, as  
7 added by Section 4 of Chapter 764 of the Statutes of 2004, is  
8 amended to read:

9 72421. (a) If a large passenger vessel or oceangoing ship  
10 releases sewage sludge or oily bilgewater into the marine waters  
11 of the state or a marine sanctuary, or if an oceangoing ship with  
12 sufficient holding tank capacity releases sewage or graywater  
13 into the marine waters of the state, the owner or operator shall  
14 immediately, but no later than 24 hours after the release, notify  
15 the board of the release. The owner or operator shall include all  
16 of the following information in the notification:

17 (1) Date of the release.

18 (2) Time of the release.

19 (3) Location of the release.

20 (4) Volume of the release.

21 (5) Source of the release.

22 (6) Remedial actions taken to prevent future releases.

23 (b) This section shall become operative on January 1, 2010.

24 SEC. 12. Section 72425.5 is added to the Public Resources  
25 Code, to read:

26 72425.5. (a) If the Administrator of the United States  
27 Environmental Protection Agency approves the application for  
28 sewage release made pursuant to subdivision (a) of Section  
29 72440, or if the board determines that an application is not  
30 required, an owner or operator of an oceangoing ship with  
31 sufficient holding tank capacity may not release, or permit  
32 anyone to release, any sewage from the vessel into the marine  
33 waters of the state.

34 (b) The owner or operator of an oceangoing ship with  
35 sufficient holding tank capacity shall not release, or permit  
36 anyone to release, any graywater from the oceangoing ship into  
37 the marine waters of the state.

38 SEC. 13. Section 72425.6 is added to the Public Resources  
39 Code, to read:

1 72425.6. An oceangoing ship with sufficient holding tank  
2 capacity shall transfer sewage and graywater to a pumpout  
3 facility, if that facility is available and accessible for the  
4 oceangoing ship where the ship is docked.

5 SEC. 14. ~~Section 72425.7 is added to the Public Resources~~  
6 ~~Code, to read:~~

7 ~~72425.7. (a) If the owner or operator of an oceangoing ship~~  
8 ~~has operated, or has caused to be operated, an oceangoing ship in~~  
9 ~~the marine waters of the state during 2006, that owner or operator~~  
10 ~~shall submit to the State Water Resources Control Board, not~~  
11 ~~later than February 1, 2007, a report for calendar year 2006 on all~~  
12 ~~of the following for the ship:~~

13 ~~(1) Estimated average amount of sewage produced on a daily~~  
14 ~~basis, to the extent that this amount can be reasonably quantified.~~

15 ~~(2) Estimated average amount of graywater produced on a~~  
16 ~~daily basis, to the extent that this amount can be reasonably~~  
17 ~~quantified.~~

18 ~~(3) Size and capacity of any sewage and graywater holding~~  
19 ~~tanks.~~

20 ~~(4) Connections to ensure transfer of sewage and graywater to~~  
21 ~~pumpout facilities.~~

22 ~~(5) Average estimated number of crew.~~

23 ~~(6) Number of days in marine waters of the state, other than~~  
24 ~~days operating in the marine waters of the state solely in innocent~~  
25 ~~passage, as described in subdivision (b) of Section 72441.~~

26 ~~(7) Number of days in ports within the state.~~

27 ~~(b) The State Water Resources Control Board shall submit the~~  
28 ~~reported information to the Legislature on or before April 1,~~  
29 ~~2007. The board may submit the report to the Legislature in an~~  
30 ~~electronic form.~~

31 SEC. 14. *Section 72425.7 is added to the Public Resources*  
32 *Code, to read:*

33 *72425.7. (a)(1) If the master, owner, operator, agent, or*  
34 *person in charge of an oceangoing ship has operated, or has*  
35 *caused to be operated, the oceangoing ship in the marine waters*  
36 *of the state during 2006, that master, owner, operator, agent, or*  
37 *person in charge, shall provide the information described in*  
38 *subdivision (b) in electronic or written form to the State Lands*  
39 *Commission upon the vessel's departure from its first port or*  
40 *place of call in California beginning in 2006.*

1     (2) *The information described in subdivision (b) shall be*  
2     *submitted on a form developed by the commission.*

3     **(b)** *The master, owner, operator, or person in charge of the*  
4     *oceangoing vessel shall maintain on board the vessel, in written*  
5     *or electronic form, records that include all of the following*  
6     *information:*

7         **(A)** *Vessel information, including all of the following:*

8             **(i)** *Name.*

9             **(ii)** *International Maritime Organization number or official*  
10            *number if the International Maritime Organization number has*  
11            *not been assigned.*

12            **(iii)** *Vessel type.*

13            **(iv)** *Owner or operator.*

14            **(v)** *Gross tonnage.*

15            **(vi)** *Keel laid date.*

16            **(vii)** *Port of registry.*

17            **(viii)** *Typical or required number of crew.*

18         **(B)** *Graywater information, including the vessel's ability to*  
19         *store graywater while in California waters and size and capacity*  
20         *of any graywater holding tanks, as measured in metric tons.*

21         **(C)** *Blackwater information, including the vessel's ability to*  
22         *store blackwater while in California waters and size and*  
23         *capacity of any blackwater holding tanks, as measured in metric*  
24         *tons.*

25         **(D)** *Marine sanitation devices information, including number,*  
26         *size, and nature of devices on the vessel treating sewage prior to*  
27         *discharge.*

28         **(E)** *Connections to ensure transfer of sewage and graywater*  
29         *to pumpout facilities.*

30         **(F)** *California port of call information, including expected*  
31         *number of calls, in days, in ports within the state during 2006.*

32         **(G)** *Certification of accurate information, including the*  
33         *printed name, title, and signature of the master, owner, operator,*  
34         *or person in charge, or responsible officer attesting to the*  
35         *accuracy of the information provided.*

36     **(c)** *The commission shall submit the reported information to*  
37     *the board on or before February 1, 2007. The board shall submit*  
38     *the reported information to the Legislature on or before April 1,*  
39     *2007. The board may submit the report to the Legislature in an*  
40     *electronic form.*

1 SEC. 15. Section 72440 of the Public Resources Code, as  
2 amended by Section 8 of Chapter 764 of the Statutes of 2004, is  
3 amended to read:

4 72440. (a) (1) The board shall determine whether it is  
5 necessary to apply to the federal government for the state to  
6 prohibit the release of sewage or sewage sludge from large  
7 passenger vessels , and oceangoing ships with sufficient holding  
8 tank capacity, into the marine waters of the state or to prohibit  
9 the release of sewage sludge from large passenger vessels and  
10 oceangoing ships into marine sanctuaries, as described in  
11 subdivision (a) of Section 72420, subdivision (a) of Section  
12 72425, and Section 72425.5. If the board determines that  
13 application is necessary for either sewage or sewage sludge, or  
14 both, it shall apply to the appropriate federal agencies, as  
15 determined by the board, to authorize the state to prohibit the  
16 release of sewage or sewage sludge, or both, as necessary, from  
17 large passenger vessels , and oceangoing ships with sufficient  
18 holding tank capacity, into the marine waters of the state and, if  
19 necessary, to authorize the state to prohibit the release of sewage  
20 sludge from large passenger vessels and oceangoing ships into  
21 marine sanctuaries.

22 (2) It is not the Legislature's intent to establish for the marine  
23 waters of the state a no discharge zone for sewage from all  
24 vessels, but only for a class of vessels.

25 (b) The board shall request the appropriate federal agencies, as  
26 determined by the board, to prohibit the release of sewage sludge  
27 and oily bilgewater, except under the circumstances specified in  
28 Section 72441, by large passenger vessels and oceangoing ships,  
29 in all of the waters that are in the Channel Islands National  
30 Marine Sanctuary, Cordell Bank National Marine Sanctuary,  
31 Gulf of the Farallones National Marine Sanctuary, and Monterey  
32 Bay National Marine Sanctuary, that are not in the state waters.

33 (c) This section shall remain in effect only until January 1,  
34 2010, and as of that date is repealed, unless a later enacted  
35 statute, that is enacted before January 1, 2010, deletes or extends  
36 that date.

37 SEC. 16. Section 72441 of the Public Resources Code is  
38 amended to read:

39 72441. (a) This division does not apply to either of the  
40 following:

1 (1) A large passenger vessel or oceangoing ship that operates  
2 in the marine waters of the state solely in innocent passage.

3 (2) Discharges made for the purpose of securing the safety of  
4 the large passenger vessel or oceangoing ship or saving life at  
5 sea, if reasonable precautions are taken for the purpose of  
6 preventing or minimizing the discharge.

7 (b) For the purposes of this section, a vessel is engaged in  
8 innocent passage if its operation in state waters would constitute  
9 innocent passage under either the Convention on the Territorial  
10 Sea and Contiguous Zone, dated April 29, 1958, or the United  
11 Nations Convention on the Law of the Sea, dated December 10,  
12 1982.

13 SEC. 17. The heading of Division 39 (commencing with  
14 Section 72500) of the Public Resources Code is amended to read:

15  
16 DIVISION 39. PROHIBITED RELEASE OF WASTES  
17 FROM LARGE PASSENGER VESSELS AND OCEANGOING  
18 SHIPS  
19

20 SEC. 18. Section 72500 of the Public Resources Code is  
21 amended to read:

22 72500. The Legislature finds and declares all of the  
23 following:

24 (a) Large passenger vessels and oceangoing ships produce  
25 considerable amounts of waste, including graywater, sewage, and  
26 other forms of solid and liquid waste.

27 (b) California is home to four of the 13 National Marine  
28 Sanctuaries. These areas support some of the world's most  
29 diverse marine ecosystems and are home to numerous mammals,  
30 seabirds, fish, invertebrates, and plants.

31 (c) The release of waste from large passenger vessels and  
32 oceangoing ships results in substantial damage to these valuable  
33 resources.

34 (d) In order to protect public health and the environment, it is  
35 in the public interest to prohibit large passenger vessels and  
36 oceangoing ships from releasing waste into marine sanctuaries.

37 (e) The protection and enhancement of the quality of the  
38 marine waters of the state and marine sanctuaries requires that  
39 the release from large passenger vessels and oceangoing ships of

1 hazardous waste and other waste, into the marine waters of the  
2 state and marine sanctuaries, should be prohibited.

3 SEC. 19. Section 72505 of the Public Resources Code is  
4 amended to read:

5 72505. Unless the context otherwise requires, the following  
6 definitions govern this division:

7 (a) “Board” means the State Water Resources Control Board.

8 (b) “Hazardous waste” has the meaning set forth in Section  
9 25117 of the Health and Safety Code, but does not include  
10 sewage.

11 (c) *“Commission” means the State Lands Commission.*

12 (d) “Graywater” means drainage from dishwasher, shower,  
13 laundry, bath, and washbasin drains, but does not include  
14 drainage from toilets, urinals, hospitals, or cargo spaces.

15 ~~(d)~~

16 (e) “Large passenger vessel” or “vessel” means a vessel of 300  
17 gross registered tons or greater that is engaged in the carrying of  
18 passengers for hire, excluding all of the following vessels:

19 (1) Vessels without berths or overnight accommodations for  
20 passengers.

21 (2) Noncommercial vessels, warships, vessels operated by  
22 nonprofit entities as determined by the Internal Revenue Service,  
23 and vessels operated by the state, the United States, or a foreign  
24 government.

25 (3) *Oceangoing ships, as defined in subdivision (i).*

26 ~~(e)~~

27 (f) “Marine waters of the state” means “coastal waters” as  
28 defined in Section 13181 of the Water Code.

29 ~~(f)~~

30 (g) “Marine sanctuary” means marine waters of the state in the  
31 Channel Islands National Marine Sanctuary, Cordell Bank  
32 National Marine Sanctuary, Gulf of the Farallones National  
33 Marine Sanctuary, or Monterey Bay National Marine Sanctuary.

34 ~~(g)~~

35 (h) “Medical waste” means medical waste subject to  
36 regulation pursuant to Part 14 (commencing with Section  
37 117600) of Division 104 of the Health and Safety Code.

38 ~~(h)~~

1 (i) “Oceangoing ship” means a private, commercial,  
2 government, or military vessel calling on California ports and  
3 meeting any one of the following criteria:

4 (1) ~~A foreign trade vessel with an endorsement on its United~~  
5 ~~States Coast Guard certificate of documentation or registration~~  
6 ~~under the flag of another country.~~

7 (2) ~~A vessel greater than or equal to 400 feet in length overall~~  
8 ~~(LOA), as defined in Section 679.2 of Title 50 of the Code of~~  
9 ~~Federal Regulations.~~

10 (3) ~~A vessel of 10,000 gross tonnage or greater per the~~  
11 ~~Convention Measurement System, as defined in Section 69.9 of~~  
12 ~~Title 46 of the Code of Federal Regulations.~~

13 (4) ~~A vessel propelled by a marine diesel engine with a~~  
14 ~~per-cylinder displacement of 30 liters or more. government, or~~  
15 ~~military vessel of 300 gross registered tons or more calling on~~  
16 ~~California ports or places.~~

17 ~~(i)–~~

18 (j) “Operator” has the meaning set forth in Section 651 of the  
19 Harbors and Navigation Code.

20 ~~(j)–~~

21 (k) “Other waste” means photography laboratory chemicals,  
22 dry cleaning chemicals, or medical waste.

23 ~~(k)–~~

24 (l) “Owner” has the meaning set forth in Section 651 of the  
25 Harbors and Navigation Code.

26 ~~(l)–~~

27 (m) “Release” means discharging or disposing of wastes into  
28 the environment.

29 ~~(m)–~~

30 (n) “Waste” means hazardous waste and other waste.

31 SEC. 20. Section 72520 of the Public Resources Code is  
32 amended to read:

33 72520. An owner or operator of a large passenger vessel or  
34 oceangoing ship may not release, or permit anyone to release,  
35 from the vessel, into the marine waters of the state or a marine  
36 sanctuary, either of the following:

37 (a) Hazardous waste.

38 (b) Other waste.

39 SEC. 21. Section 72521 of the Public Resources Code is  
40 amended to read:

1     72521. If a large passenger vessel or oceangoing ship releases  
2 hazardous waste or other waste into the marine waters of the state  
3 or a marine sanctuary, or a large passenger vessel releases  
4 graywater into the marine waters of the state, the owner or  
5 operator shall immediately, but no later than 24 hours after the  
6 release, notify the board of the release. The owner or operator  
7 shall include all of the following information in the notification:

- 8     (a) Date of the release.
- 9     (b) Time of the release.
- 10    (c) Location of the release.
- 11    (d) Volume of the release.
- 12    (e) Source of the release.
- 13    (f) Remedial actions taken to prevent future releases.

14    SEC. 22. Section 72540 of the Public Resources Code is  
15 amended to read:

16    72540. (a) This division does not apply to a large passenger  
17 vessel or oceangoing ship that operates in the marine waters of  
18 the state solely in innocent passage.

19    (b) For purposes of this section, a vessel is engaged in  
20 innocent passage if its operation in state waters would constitute  
21 innocent passage under either the Convention on the Territorial  
22 Sea and Contiguous Zone, dated April 29, 1958, or the United  
23 Nations Convention on the Law of the Sea, dated December 10,  
24 1982.

25    SEC. 23. Section 72542 of the Public Resources Code is  
26 amended to read:

27    72542. The board shall request the appropriate federal  
28 agencies, as determined by the board, to prohibit the release of  
29 waste by large passenger vessels or oceangoing ships in all of the  
30 waters in the Channel Islands National Marine Sanctuary,  
31 Cordell Bank National Marine Sanctuary, Gulf of the Farallones  
32 National Marine Sanctuary, and Monterey Bay National Marine  
33 Sanctuary; and, request, if necessary, approval of the state's  
34 prohibition of the release of waste in the marine sanctuaries.